

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 10, 2012

Lyle W. Cayce
Clerk

No. 11-40145
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE RAMOS SERANO, also known as Jose Serano Ramos, also known as Jose Ramos Seran, also known as Jose S. Ramos,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:10-CR-1658-1

Before JONES, Chief Judge, and BENAVIDES and GRAVES, Circuit Judges.
PER CURIAM:*

Jose Ramos Serano (Serano) appeals the 46-month sentence imposed following his guilty plea conviction for illegal reentry of a previously deported alien, in violation of 8 U.S.C. § 1326. As his sole argument on appeal, Serano argues that the district court misapplied the Sentencing Guidelines and reversibly erred when it imposed the sixteen-level “crime of violence” enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(ii) (Nov. 2009), based on his 2008

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Texas conviction for attempted deadly conduct. We review this issue de novo. *United States v. Sanchez*, 667 F.3d 555, 560 (5th Cir. 2012).

As he did in the district court, Serano argues that his conviction for attempted deadly conduct does not qualify as a crime of violence because the Texas concept of attempt is broader than the generic, contemporary meaning of attempt. He further argues that the Texas has not adopted the “substantial step” test of the Model Penal Code and that Texas’s approach instead provides for a more broad test.

Serano’s arguments have been specifically rejected by this court in *Sanchez*, 667 F.3d at 563-66. Accordingly, the judgment of the district court is **AFFIRMED**.